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DEPARTMENT OF JUSTICE
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February 29, 2000

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Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street SW, Suite TW-A325
Washington, DC 20554

Subject: Petition for Delegation & Authority to Implement Number Conservation Measures
DOJ File No.: 860-105-GP0268-99

Dear Ms. Salas:

Enclosed for filing is the original and five copies of the Oregon Public Utility Commission for Expedited Decision For Authority to Implement Number Conservation Measures.

Please file-stamp one copy and return to me in the enclosed self-addressed stamped envelope.

Sincerely,

A handwritten signature in black ink, reading "Teya M. Penniman". The signature is written over a horizontal line.

Teya M. Penniman
Assistant Attorney General
Regulated Utility & Business Section

Enclosure

cc: Al McCloud
Commissioners, Oregon Public Utility Commission

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Petition of the Oregon Public Utility
Commission for Expedited Decision
For Authority to Implement
Number Conservation Measures

NSD File No. L-97-42

CC Docket No. 96-98

Implementation of the Local Competition
Provisions of the Telecommunications
Act of 1996

**PETITION OF THE OREGON PUBLIC UTILITY COMMISSION
FOR EXPEDITED DELEGATION OF AUTHORITY
TO IMPLEMENT NUMBER CONSERVATION MEASURES**

I. INTRODUCTION

The Oregon Public Utility Commission (OPUC or Oregon) petitions the Federal Communications Commission (FCC) for additional delegated authority to implement number conservation measures. Specifically, OPUC requests delegated authority to: (1) implement mandatory thousand number block pooling trials; (2) enforce number assignment standards by auditing number-resource use, by requiring data reporting and number utilization forecasting, and by requiring carriers to return portions of unassigned prefix codes; (3) adopt interim number assignment standards; (4) implement interim unassigned number porting; and (5) revise rationing procedures as necessary.

The Federal Communications Commission has exclusive jurisdiction over those portions of the North American Number Planning Administration (NANPA) that pertain to the United States.¹ However, the Commission may delegate portions of its number administration authority to state commissions.² In recent months, the Commission has delegated limited authority to a number of state commissions who are seeking expedited solutions to numbering issues. The Oregon Public Utility Commission requests

¹ 47 U.S.C. § 251(e)(1) (Telecommunications Act of 1996).

² *Id.*; *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 615 and 717* (NSD File No. L-97-42), *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996* (CC Docket 96-98), Memorandum Opinion and Order on Reconsideration (Sept. 28, 1998) (Pennsylvania Order).

additional delegated authority pertaining to number conservation measures commensurate with that granted other state commissions.

II. BACKGROUND

In little over five years, Oregon has tripled its number of area codes and yet faces an immediate need for additional area code relief. Until 1995, Oregon had one area code, 503, for the entire state. A second area code, 541, was added in 1995 to serve central and eastern Oregon areas. After the geographic split, the projected exhaust date for 503 ranged from 2003 to 2005. By December, 1998, the North American Numbering Plan Administrator pushed up the projected exhaust date to the 2nd Quarter of 2000. In April, 1999, OPUC expanded the 503 area code by means of an overlay. Area code 971 was imposed over all of the existing area code 503 with the exception of the immediate coastal area. Before year's end, ten-digit dialing will be required for all calls within the overlay. On January 7, 2000, NANPA declared the 541 code to be in a jeopardy situation and projected 30 months until exhaust.

Certainly, population growth, requests for more primary and secondary phones, cellular and computer phones, pagers, fax machines, modems for internet access and other uses have contributed to an increased demand for Oregon telephone numbers. However, the largest single factor creating a need for more telephone numbers is the 10,000-number block assignment procedure used to allocate numbers. Number allocation has not kept pace with dynamic changes in the telecommunications market. Number allocation in blocks of ten thousand has resulted in wasted resources; temporary, but costly "dam-building" in the form of splits and overlays to staunch the number flow; additional costs for carriers who must modify equipment and educate customers about number changes and dialing protocols; and confused consumers who must adapt to changes in the numbering system every few years.

The Oregon Public Utility Commission acknowledges the need for national numbering administration and policy. OPUC also appreciates the Commission's current work to develop number resource standards through rulemaking. However, even though the Commission's rules will supersede any delegated authority, OPUC believes that a grant of delegated authority now is needed to allow Oregon to develop and implement efficient number management practices.

On November 24, 1999, at the request of industry, OPUC began investigating rate center consolidation as an additional means to address number conservation.³ Delegated authority from the Commission and rate center consolidation together will be effective tools for prolonging the lives of existing codes. Oregon needs both. Because the rate center consolidation process is already underway and should proceed in tandem with additional conservation measures, Oregon is asking for an expedited review of this request for additional delegated authority.

³ Oregon Public Utility Commission Docket UM 953.

III. SPECIFIC DELEGATED AUTHORITY REQUESTED

The interim authority requested by Oregon does not differ from that recently granted to state utility commissions in Massachusetts, New York, Maine, Florida, California, Texas, Connecticut, Wisconsin, Ohio, and New Hampshire.

OPUC requests authority for the following specific activities:

A. Implement Mandatory Thousand Number Block Pooling Trials

Inefficient allocation and assignment of numbers can be addressed in Oregon by implementing mandatory thousand number block pooling trials on a statewide basis, subject to the constraints imposed on other states. OPUC requests authority to order mandatory block pooling trials. This authority would allow the Commission to request that companies "turn on" numbers sequentially in 1,000-number blocks instead of blocks of ten thousand and return unused or sparsely used blocks for reassignment to other locations. This change will help relieve pressure for a new area code in the 541 area code and in the coastal 503 area code.

Any implementation plans will be developed with the expectation that such plans will be adapted to meet national standards once they are in place. Authority to implement the trials will dovetail with the rate center consolidation work already underway.

In conducting number pooling trials, telecommunications carriers in Oregon will use the existing pooling software. Oregon will upgrade the software after development of a national standard is complete and a newer version becomes available. Number pooling will use current local number portability (LNP) databases, which contain specific routing information for blocks of numbers within a pooled area code-prefix (NPA-NXX), and that have been allocated to different service providers.

B. Enforce Number Assignment Standards

Enforcement of number assignment standards at the state level will give Oregon an efficient and effective mechanism to ensure appropriate number allocation. OPUC tracks the status of number resources and understands the competitive environment, rate-center patterns and number-use trends in the state. Therefore, OPUC is well positioned to determine the efficacy of number assignment standards by conducting independent audits and to use that information to free up unused and sparsely used codes. OPUC requests authority to establish auditing procedures; to implement and conduct random audits of number-resource use in the state; and to establish requirements for interim mandatory data reporting and forecasting of number utilization. By conducting independent audits and tracking prefix (NXX) code assignments, OPUC will have direct knowledge of system inefficiencies or below-optimal use of number resources. Auditing can help

ensure that carriers with legitimate business plans will provide service in a timely manner in those areas for which they have requested and been granted NXX codes.

Knowledge of inefficient number use, by itself, is insufficient. Number pooling cannot work effectively or efficiently if carriers are allowed to retain blocks of unused and under-utilized numbers within NXX codes. OPUC requests authority to reclaim unused and reserved codes by requiring carriers possessing unused or under-utilized blocks of numbers in NXX codes to return them to the pooling administrator. Oregon requests authority to govern the reclamation of unused and reserved codes and to reclaim test codes that have not been put into service within a specified time frame. Specifically, Oregon would reclaim codes such as the following:

- Codes held beyond 6-month period provided by industry guidelines and not yet activated.
- Codes acquired in violation of the guidelines or other rules or regulations.
- Codes being used to provide services in violation of state law.
- Test codes and codes not put into service within the time provided by guidelines and other protocols or policies established by Oregon or by the Central Office Assignment Guidelines.
- Codes intended to be facilities-based where facilities were not established within the appropriate time frame.

C. Adopt Interim Number Assignment Standards

Oregon requests authority to establish competitively neutral criteria for acquisition and utilization of numbering resources. Criteria for code acquisition will be based on carriers' needs. OPUC wants to establish minimum fill rates for growth codes that a carrier must meet before acquiring a new code in a rate center where the carrier already has a code. Additionally, OPUC seeks authority to require carriers to demonstrate that necessary facilities will be in place to serve a specific rate center within six months of code assignment. Similar to the plans of other states, Oregon will work with the Common Carrier Bureau and other state commissions to ensure that carriers are not subject to multiple, conflicting number conservation regimes.

D. Implement Interim Unassigned Number Porting

Oregon requests authority to order local number portability (LNP)-compliant carriers to implement interim unassigned number porting (IUNP) or its functional equivalent until individual telephone number pooling becomes widely available. Unassigned number porting can act as an interim measure to help slow the depletion and inefficient use of number resources. Where a service provider needs numbers to serve a new customer in a specific rate center and numbers are not available to the carrier, IUNP could be used. Interim unassigned number porting is a pro-competitive measure that will

allow competitive local exchange carriers (CLECs) to avoid confusion that may be associated with introducing new prefixes into local calling areas, especially in areas that have been served by a single NXX code for many years.

E. Revise Rationing Procedures as Necessary

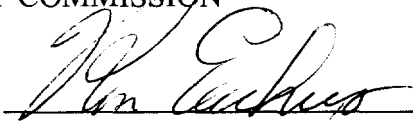
Oregon requests temporary authority to revise rationing procedures during a jeopardy period without industry consensus. Oregon is committed to working closely with industry and NANPA as it develops and implements the measures for which the state seeks delegated authority. By having the ability to adjust the timing and details of prefix code rationing, OPUC can assure the smoothest possible deployment of the requested number resource measures, while recognizing the need to implement area code relief when necessary.

IV. CONCLUSION

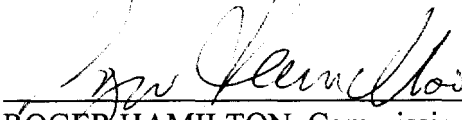
The Oregon Public Utility Commission respectfully requests that the Federal Communications Commission delegate additional authority to implement specific number conservation measures. Oregon faces pending exhaust of the 541 area code. OPUC needs tools beyond splits and overlays to respond to the needs of consumers. The State's current rate center consolidation docket needs to move forward in concert with the requested number conservation measures to ensure maximum flexibility and efficiency for relief planning. Therefore, the Oregon Public Utility Commission requests the FCC grant the delegated authority on an expedited basis.

DATED this 29 day of February, 2000, at Salem, Oregon.

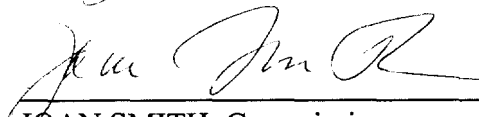
OREGON PUBLIC UTILITY COMMISSION



RON EACHUS, Chairman



ROGER HAMILTON, Commissioner



JOAN SMITH, Commissioner

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TXP:txpGEN43769